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| 10/731,119  | 12/10/2003  | Hiroshi Omura        | 03500.017765.       | 4661             |
| 5514 7590 10/27/2008<br>FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| MILLA, MARK R   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2625  |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/731,119

**Applicant(s)**

OMURA, HIROSHI

**Examiner**

Mark R. Milia

**Art Unit**

2625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment was received on 5/29/08 and has been entered and made of record. Currently, claims 1-7 and 19-20 are pending.

***Claim Rejections - 35 USC § 101***

2. Applicant's amendment to claim 20 has overcome the rejection set forth in the previous Office Action. Therefore the rejection has been withdrawn.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 19, and 20 have been considered but are moot in view of the current amendment to the claims and therefore a new ground(s) of rejection will be made.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shope et al. (US 5,047,955) in view of Winston et al. (US 2002/0186384) and U.S. Patent No. 6,864,993 to Roberts et al.

Regarding claims 1, 19, and 20, Shope discloses a data processing apparatus, method, and data processing program stored on a computer-readable storage medium, for transmitting a document formed by a plurality of logical pages to a printing device, and allowing the printing device to perform a printing process in set units, comprising: spooling means for spooling the plurality of logical pages for each of a plurality of sets (see column 2 lines 27-28), determination means for determining drawing information from the first logical page to a logical page just previous to the one logical page retrieved by said retrieval means to be drawing information for one of the plurality of sets (see column 3 lines 1-21, reference states that microcontroller **36** and LCU **38** are electronic collation means for presenting the stored image data for printing in the proper sequence, as often as is needed to produce the desired number of collated document sets), generation means for generating a print command to be transmitted to the printing device based on the drawing information for the one set determined by said determination means (see column 2 line 64-column 3 line 8, microcontroller **34** is responsible for initiating transfers from the RIP **10** and controls communication with the LCU **38** of the marking engine), and transmission means for transmitting the print command generated by said generation means to the printing device (see column 3 lines 1-21, RIP **10** sends image data to the job image buffer, JIB **14**, which in turn sends the processed image data to the print head **30**).

Shope does not disclose expressly designation means for designating a printing mode for output of a plurality of logical pages to one print sheet and retrieval means for retrieving, from among the plurality of logical pages spooled in said spooling means, one logical page identical in drawing information to a first logical page when said designation means designates the printing mode.

Winston discloses designation means for designating a printing mode for output of a plurality of logical pages to one print sheet (see paragraphs 26 and 30, n-up printing) and calculating the total number of sheets needed for printing based on the page information, such as duplex, collate and n-up, and the number of copies to be output (see paragraph 30).

Roberts discloses retrieval means for retrieving, from among the plurality of logical pages, one logical page identical in drawing information to a first logical page (see Fig. 2, column 4 lines 4-5 and 54-61, column 6 lines 51-55, and column 7 lines 34-39, reference shows that pages of a collation file are compared to determine if any discrepancies exist).

**KSR analysis – Applying a Known Technique to a Known Device (Method, or Product) Ready for Improvement to Yield Predictable Results**

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the technique of comparing drawing information of logical pages of a document, as described by Roberts, with the n-up printing mode or Winston and the collation system set forth in Shope. Shope discloses electronic collation means for presenting the stored image data for printing in the proper sequence, as often as is

needed to produce the desired number of collated document sets (see column 3 lines 9-21). Collation is known as gathering information and placing it in order. Shope further states that internal pointers identifying the beginning and ending addresses for each image are stored (see column 3 lines 5-7). Winston discloses calculating the total number of sheets needed for printing based on the page information, such as duplex, collate and n-up, and the number of copies to be output (see paragraph 30) and determines where to split a print job for output to a plurality of printing devices (see paragraphs 32-35). Determination of where to split the print job is based on the page information, such as duplex, collate, n-up, and number of copies. Thus, taking all of the above teachings into consideration, it would have been obvious to utilize some sort of comparison technique of the logical pages, based on teachings provided by Roberts and knowledge possessed by one of ordinary skill in the art, to determine where each set of the plurality of logical pages begins and ends to provide proper output of collated sets of documents.

Therefore, it would have been obvious to combine Roberts and Winston with Shope to obtain the invention as specified in claims 1, 19, and 20.

Regarding claim 2, Winston further discloses wherein the printing mode designated by said designation means includes a double-sided printing mode for printing drawing information on both sides of one print sheet, and a N-up printing mode for outputting a plurality of logical pages on one print sheet (see paragraph 26).

Regarding claim 3, Shope, Winston, and Roberts do not disclose expressly wherein said retrieval means retrieves the one logical page based on data sizes of the one logical page and the first logical page.

However, Roberts discloses comparing attributes of a document to determine inconsistencies (see column 1 lines 57-60 and column 3 lines 46-61).

It would have been obvious to one of ordinary skill in the art to compare data size, as this is an attribute of a logical page that is part of a document, and because it is well known in the art to compare images or files using data size.

Regarding claim 4, Roberts further discloses wherein said retrieval means retrieves the one logical page by performing a sampling process on the one logical page and the first logical page (see column 1 lines 57-60 and column 3 lines 46-61, reference states that attributes of a document are used during comparison to determine inconsistencies, thereby performing a sampling process).

Regarding claim 5, Shope, Winston, and Roberts do not disclose expressly wherein said retrieval means retrieves the one logical page by comparing all spool codes for the first logical page with all spool codes for the remaining logical pages.

However, Roberts discloses comparing attributes of a document to determine inconsistencies (see column 1 lines 57-60 and column 3 lines 46-61).

It would have been obvious to one of ordinary skill in the art to compare spool codes, as this is an attribute of a logical page that is part of a document, and because it is well known in the art to compare images or files using a unique feature, such as a spool code.

Regarding claim 6, Shope, Winston, and Roberts do not disclose expressly wherein if the printing device cannot store the print command for the plurality of logical pages for each set, said generation means generates a print command indicating the number of the sets and a print command for printing the drawing information for the one set determined by said determination means.

However, Shope discloses compressing image data to increase the effective storage capacity of the storage means (see column 3 lines 1-8 and 22-27), thereby acknowledging the need to have enough storage capacity to be able to successfully store all the needed pages of a document to allow for a plurality of collated sets to be printed without re-rasterization.

It would have been obvious to one of ordinary skill in the art that if a storage capacity has been reached because the plurality of logical pages that make up a document is larger than the storage capacity, that in turn only one set, which is one document, is all that can be printed as each page will be spooled and sent to the marking engine for output onto a printing medium and then the logical page is deleted from the spooler and storage capacity is freed up for another logical page, and this process will repeat until the entire set/document is printed. All of this is the alternative to having enough storage capacity to execute the invention of Shope successfully and therefore was contemplated by Shope when creating the disclosed system.

Regarding claim 7, Shope further discloses wherein if the printing device can store the print command for the plurality of logical pages for each set, said spooling means stores drawing information for each logical page, and said transmission means



transmits the print command generated by said generation means until said retrieval means retrieves the one logical page to the printing device, and thereafter if the document is determined to be a collate document based on the logical pages subsequent to the retrieved one logical page, said transmission means transmits a print command indicating the number of the sets (see column 2 lines 27-37 and 46-63 and column 3 lines 1-21, reference shows that print jobs are spooled one page at a time and stored in a multi-page image buffer **14** until the microcontroller **36** and the LCU **38**, which makes up the collation means, gather the stored image data and place the image data in the proper sequence for printing).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art please refer to the attached Notice of References Cited.
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia  
Examiner  
Art Unit 2625

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